

**SOUTH DAKOTA DEPARTMENT OF EDUCATION AND CULTURAL AFFAIRS
OFFICE OF SPECIAL EDUCATION**

**Smee School District
Continuous Improvement Monitoring Process Report 2002-2003**

Team Members: Rita Pettigrew, Education Specialist and Linda Shirley, Education Specialist,

Dates of On Site Visit: November 12-13, 2002

Date of Report: November 27, 2002

This report contains the results of the steering committee's self-assessment and the validation of the self-assessment by the Office of Special Education. The report addresses six principles – General Supervision, Free Appropriate Public Education, Appropriate Evaluation, Procedural Safeguards, Individualized Education Program and Least Restrictive Environment. Each principle is rated based on the following scale:

Promising Practice	The district/agency exceeds this requirement through the implementation of innovative, high-quality programming and instructional practices.
Meets Requirements	The district/agency consistently meets this requirement.
Needs Improvement	The district/agency has met this requirement but has identified areas of weakness that left unaddressed may result in non-compliance.
Out of Compliance	The district/agency consistently does not meet this requirement.
Not applicable	In a small number of cases, the standard may not be applicable for your district/agency. If an item is not applicable, the steering committee should briefly explain why the item is NA. Example – no private schools within the district boundaries.

Principle 1 – General Supervision
--

General supervision means the school district's administrative responsibilities to ensure federal and state regulations are implemented and a free appropriate public education is provided for each eligible child with a disability. The specific areas addressed in principle one are child find, referral procedures, children voluntarily enrolled by parents in private schools, students placed by the school district, improving results through performance goals and indicators (assessment, drop out, graduation), professional development, suspension and expulsion rates.

Steering Committee Self-Assessment Summary

Data sources used:

- District/agency instructional staff information
- Suspension and expulsion information
- Placement alternatives

- Disabling conditions
- Exiting information
- Student progress data
- Surveys
- Comprehensive plan
- TAT: referral vs. non referral information
- Power School log-ins
- Power School student information

Promising practices

The district provides office space to the Standing Rock Sioux Tribe Early Childhood Tracking Program in the school. This program identifies and provides early intervention for birth to five children in their homes. The cost to the district is the office space. The benefit to the district is the coordination of services for early intervention to prevent or prepare for continuing and/or future special education services/needs.

A South Dakota licensed day care has been implemented within the school building. The maximum capacity is 20 children. The priority is to serve children of students in order to reduce drop out rates. This priority is followed by serving Temporary Assistance to Needy Families and Tribal Work Experience Program workers who are required to work in order to receive job training and health/food benefits for their children. After these priorities are met and space allowing, children of staff and community members are served. The unique quality of the day care is that by having a nurse on duty, children with special needs can be served and this gives the district an opportunity for early identification, referral, and intervention. The initial funding came from a 21st Century Community Learning Grant. The school district funded a part time nurse and the grant program funded the remaining salary/benefits for a day care director. The school district, through a USDA Rural Development Grant, funded the equipment for the day care. Parent fees provide sustainability for the future. Programs that assist students and adults to stay in school and get jobs are presently paying most of the fees.

The school district has implemented a preschool program for children aged three through five. The goal of the program is early identification of and intervention for children who may have delayed development or who are in need of special services. The funding for the program has been provided by the school district from Title VIII Impact Aid dollars. The preschool teacher and the kindergarten teacher work together to provide a smooth transition for educational services.

Meets requirements

The district feels that the child find process is working well. Private school is not applicable since there are no students presently in private schools. Appropriate district staff members participate in out of district meetings for students. The district has made gains in improving results through performance goals and indicators (assessment, drop out, and graduation) because of data training.

Needs improvement

The district has made gains in improving results through performance goals and indicators (assessment, drop out, and graduation) because of data training. However, since the process for collecting data is fairly new the steering committee feels improvements could be made in utilizing the data that's collected and objectively reporting.

Validation Results

Promising practice

The monitoring team agrees that the office space provided to the Standing Rock Sioux Tribe Early Childhood Tracking Program is a promising practice for the district as identified by the steering committee.

The monitoring team agrees that the South Dakota licensed day care implemented within the Smee School is a promising practice for the district as identified by the steering committee.

Meets requirements

The monitoring team agrees with the steering committee that data for General Supervision meets requirements.

Needs improvement

The monitoring team agrees with the needs improvement areas under General Supervision concluded by the steering committee.

Out of compliance

Issues requiring immediate attention

ARSD 24:05:17:03 Annual report of children served

During a review of student files to verify the district's annual child count the, team identified eleven students who did not have an IEP in place on December 1, 2001. The district will be required to return federal funds received for these students. In addition, the team identified a student who was listed on the federal count two times. The district has received a duplicate amount of federal funds for this student and will be required to return the funds for this error.

ARSD 24:05:16:17 Personnel standards

Administrative rules require the district to have qualified personnel to provide special education and related service. An educational evaluator must possess a valid teaching certificate. Currently, the district employs a staff member whose teaching certificate has lapsed and is pending certification.

Principle 2 – Free Appropriate Public Education

All eligible children with disabilities are entitled to a free appropriate public education in the least restrictive environment. The specific areas addressed in principle two are the provision of FAPE to children residing in group homes, foster homes, or institutions, making FAPE available when a child reaches his/her 3rd birthday and providing FAPE to eligible children with disabilities who have been suspended or expelled from school for more than 10 cumulative days.

Steering Committee Self-Assessment Summary

Data sources used:

- Suspension and expulsion information
- Placement alternatives
- Hearings
- Student progress data
- Personnel development information

Meets requirements

The district provides FAPE to all children with disabilities who meet the South Dakota eligibility criteria for special education services.

Needs improvement

Knowledge of suspension/expulsion procedures and how the process works when a student is on an individual education plan (IEP).

Out of compliance

When a student on an IEP was suspended the district did not conduct a formal behavioral evaluation along with functional assessment. The district did go back and re-do everything including psychological evaluation.

Validation Results**Needs Immediate Attention:****Out of compliance**

ARSD 24:05:13:02 Free Appropriate Public Education (FAPE) defined

ARSD 24:05:26 Suspension

The monitoring team validated that suspension procedures are an area of non-compliance for the Smee School District. In cases of suspension or expulsion of students in need of special education or special education and related services, general due process procedures used for all pupils and additional steps specific to students with disabilities.

Through interviews, the monitoring team concluded that school district staff has limited knowledge regarding procedures to follow when a student receiving special education service is subjected to suspension beyond 10 days. In a student file the monitoring team found documentation, which indicated suspension had occurred for more than 10 days. A meeting was held to determine manifestation, however, functional behavior assessment was not completed at that time. The manifestation review meeting did not have required members present. Those in attendance were the parent, special education director, and special education teacher, but no regular education teacher was presented. The manifestation determination review indicated that the behavior of the student with a disability was not manifestation of the student's disability. The IEP team did an addendum, which indicated that "Because of the fact that ___ is on an IEP ___ is entitled to continue services. The special education office will meet with ___ at ___ residence twice a week for whatever time is needed. Special Education will get assignments from regular education teachers."

Following the manifestation determination review the Smee administration recommended expulsion for this student's action/behavior. A notice given to the parent stated "this suspension awaiting hearing goes beyond the 10 day suspension, but a district by law can extend the time to 90 days when circumstances mandate it." At the hearing the parent requested that a reevaluation be completed for special education services. At the time of the monitoring review a hearing was pending on completion of the evaluation. Special education staff indicated that due to concerns regarding staff safety, placement had changed and that the student was to report to the school to receive services. They also reported that his attendance had been poor. Parent indicated that transportation was an issue. Transportation was not addressed by the IEP team to ensure the student a free appropriate education.

Principle 3 – Appropriate Evaluation

A comprehensive evaluation is conducted by a team of knowledgeable staff, which also includes parental input. A valid and reliable evaluation will result in effective individualized education programs for eligible students. The specific areas addressed in principle three are written notice and consent for evaluation, evaluation procedures and instruments, eligibility determination, reevaluation and continuing eligibility.

Steering Committee Self-Assessment Summary

- Data sources used:
- Teacher file reviews
- Surveys
- Comprehensive plan
- Initial referral log

Meets requirements

The districts comprehensive evaluations are conducted by a team of knowledgeable staff. Tests are valid and reliable. The district provides appropriate written notice and obtains informed consent before assessments are administered to a child as part of an evaluation or reevaluation. Parents are given a copy of the evaluation report. The district's reevaluations are conducted in accordance with all procedural requirements and procedures ensure that the student is appropriately evaluated.

Needs improvement

The district does not consistently meet the 25 school day timeline for evaluations. The district needs to improve the placement procedure of children who have a lack of instruction due to absenteeism and placement continuity. The transfer of rights has not always been adhered to, or expanded to the parent and/or student.

Out of compliance

Evaluations do not include parent input.

Validation Results

Meets requirements

The monitoring team agrees with the steering committee that data for Appropriate Evaluation meets requirements.

Needs improvement

The monitoring team agrees with the needs improvement for Appropriate Evaluation concluded by the steering committee. In completing file reviews with special education staff functional assessment was found. However in interview, staff did not have an awareness of the purpose of functional assessment or how it relates to program planning. This is an area that needs improvement.

Out of compliance

ARSD 24:05:25:04:02 Determination of needed evaluation data.

Administrative rule requires that the district obtain input from the parent in planning for evaluation of students. The monitoring team reviewed a total of nine student files. The review team was not able to find documentation to support that the district is seeking the parent's input and participation in the evaluation planning process. This was also supported in interview by special education staff. Staff reported they did not seek parent input when planning evaluations.

The district is required to have the members of the evaluation team review existing evaluation data to determine what assessments will be administered to determine whether a student needs special education and related services. None of the nine student files reflected that the district follows this procedure.

ARSD 24:05:24:04.03.Determination of Eligibility

Upon completing the administration of tests and other evaluation materials, the individual education program (IEP) team is to determine whether the student is a student with a disability. No documentation was found or appropriate signatures were not documented in student files to support that the IEP team determined whether the student was eligible for special education or special education and related service.

Principle 4 – Procedural Safeguards

Parents of children with disabilities have certain rights available. The school makes parents aware of these rights and makes sure they are understood. The specific areas addressed in principle four are adult student/transfer of rights, content of rights, consent, written notice, confidentiality and access to records, independent educational evaluation (IEE), complaint procedures, and due process hearings.

Steering Committee Self-Assessment Summary

Data sources used:

- Teacher file reviews
- Surveys
- Comprehensive plan
- Parental rights document
- Consent and prior notice forms
- Review of access logs

Meets requirements

The district assures that the parents are fully informed of all information relevant to the activity to which consent is given. The district provides parents the opportunity to review all records and documents as provided in their parent rights. The parents are ensured of an independent educational evaluation at no cost to them. The district has policies and procedures in place for responding to complaint actions or requests for due process hearings.

Validation Results

Meets requirements

The monitoring team agrees with the steering committee that data for Procedural Safeguards meets requirements.

Principle 5 – Individualized Education Program

The Individualized Education Program (IEP) is a written document for a child with a disability that is developed, reviewed and revised by the IEP team, which includes the parent. The specific areas

addressed in principle five are IEP team, IEP content, transition components for secondary IEPs, annual reviews, transition from early intervention program, and IEP related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- Teacher file reviews
- Student progress data

Meets requirements

The district ensures that the IEP contains all the required content. From surveys, the larger majority of parents, students, teachers and administrators felt that they were made aware of what is on the IEP.

Needs improvement

Parent input is not consistently documented in the present levels of performance. The appropriate membership is not consistent at committee meetings.

Validation Results

Needs improvement

The monitoring team agrees with the “needs improvement” area for developing an IEP within 30 days receipt of the evaluation data as concluded by the steering committee. The district’s special education administration became aware of this concern in August 2002 and procedures to correct this situation has improved the process. Continual monitoring will be needed to assure the 30 day timeline is met. Appropriate IEP membership and parent input into the present levels of performance is out of compliance (see additional information below).

Out of compliance

Issues requiring immediate attention

ARSD 24:05:27:04 Determination of Related Services

No present level of performance, goals and objectives were identified for counseling service on four students’ IEPs. The monitoring team determined that the Smee Public School must reconvene the students’ IEP teams to determine if the related service is necessary for the child in order to implement the special education program recommended.

ARSD 24:05:27:08 Yearly Review or Revision of Individual Education Programs

The district must initiate and conduct IEP team meetings to periodically review each student’s individual educational program and if appropriate, revise its provisions. In fifteen student files, the monitoring team found documentation that indicated a yearly review did not take place within the one-year timeline.

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

Present Level of Performance

A student’s IEP must contain present levels of performance based upon the skill areas affected by the student’s identified disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process. In the majority of the files reviewed, present levels of performance did not contain the student’s academic strengths, needs or their involvement in the general curriculum and parental input.

Progress Reporting

Each student’s individualized education program must include: A statement of how the student’s progress toward the annual goals will be measured and how the student’s parents will be regularly informed at least as often as parents of nondisabled students are informed. The monitoring team concluded through

file reviews and staff interviews, that progress toward annual goals was not reported to parents. In some student files, progress report information was written but staff stated that copies were not sent to parents. In other student records, progress report information on the IEP was left blank.

Individual Education Program (IEP) Team

The monitoring team verified through file reviews that general education teachers were not regularly in attendance at student IEP meetings.

ARSD 24:05:27:13 Modifications to regular vocational program

ARSD 24:05:27:13.02 Transition services

Transition services are a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities. The coordinated set of activities shall be based on the individual student's needs, taking into account the student's preferences and interests, and shall include instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, the acquisition of daily living skills and functional vocational evaluation.

The IEP team is required to address a course of study for students age fourteen and up. Student IEPs did not consistently contain a course of study for students. It was not being utilized as a planning device to help ensure the students achieved their desired outcomes for employment and independent living. The justification statements were not based upon assessment of the student's abilities in each of the areas in the transition plan. The secondary special education teacher was unaware of transition assessments.

Principle 6 – Least Restrictive Environment

After the IEP is developed or reviewed, the IEP team must decide where the IEP services are to be provided. Consideration begins in the general education classroom for school age students. The specific areas addressed in principle six are placement decisions, consent for initial placement, least restrictive environment procedures, preschool children, and LRE related issues.

Steering Committee Self-Assessment Summary

Data sources used:

- Instructional Staff Information
- Student surveys,
- Parent interviews (informal)

Promising practice

The school district has implemented a program from Temple University in Philadelphia called *Community for Learning*. The focus of the program is to provide individual and small group “prescriptions” for learning within the regular education classroom. This program was chosen because of the high percentage of students receiving special education in the school district and the desire to provide a truly least restrictive, inclusive, learning environment not only for students with special education, but students with varying educational needs. The funding for the implementation of this program came from a three-year comprehensive school reform grant.

Meets requirements

The district makes sure that all children receive services in the least restrictive environment with the supports they need for successful participation.

Needs improvement

The high school students need to have their needs met by modification.

Validation Results**Promising practice**

The monitoring team agrees that the Community for Learning program implemented by the district is a promising practice as identified by the steering committee.

Needs improvement

The monitoring team agrees that improvement is needed to assure that modification described on high school student's IEPs are being implemented. Interviews with general education staff indicated that they were not always informed of the student's IEP modifications.

Out of compliance**ARSD 24:05:28:01 Least Restrictive Environment**

Children in need of special education or special education and related services shall be provided special programs and services to meet individual needs which are coordinated with the regular education program whenever appropriate. Removal from the regular educational classroom may occur only when the nature or severity of the child's needs is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Interviews with special education staff indicated that they were unclear as to the information needed in a justification statement. In the majority of student files reviewed by the monitoring team, it was found that the placement committee does not provide a written description of the options considered and the reasons why those options were rejected for each placement alternative considered for the student. A written description of the option accepted and reasons why the option was accepted was not documented.